

amendments to Figure 2. No new matter has been entered by the proposed amendments to Figure 2 and the corresponding amendments to the specification. Applicants respectfully request approval of the indicated drawing change. Upon approval of the drawing change, Applicants will submit substitute drawings incorporating the above-noted changes. For at least the reasons set forth above, Applicants respectfully request that the objections to the drawings be withdrawn.

The rejection of Claims 1-4 under 35 U.S.C. 112 is respectfully traversed. More specifically, Claim 1 has been amended to recite "the first motor assembly". Accordingly, Applicants respectfully submit that Claim 1 satisfies the requirements of Section 112. Claims 2-4 depend from independent Claim 1. When the recitations of Claims 2-4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-4 likewise satisfy Section 112. For at least the reasons set forth above, Applicants respectfully request that the Section 112 rejection of Claims 1-4 be withdrawn.

The rejection of Claims 1, 2, 5-8, and 11-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,035,98 (Chiang) is respectfully traversed.

Chiang describes a mounting structure for a smoke exhauster including a housing 20, a retaining plate 23, and a fan motor 24. Housing 20 includes an exhaust vent 21 on an inner top surface of housing 20, a plurality of smoke inlets 22, and a smoke outlet. Retaining plate 23 includes a welding rim 235 for attaching to an inner top surface of housing 20 by welding manners. Fan motor 24 includes a motor 241 having a plurality of locking holes 244a extending horizontally and outwardly from the top circumference of motor 241. Locking holes 244a are spaced at equi-angular intervals about the top circumference of motor 241. Retaining plate 23 further includes a plurality of retaining holes 234 and a receiving opening 231. Fan motor 24 rests within receiving opening 231 and connection means, such as bolts and nuts, fasten fan motor 24 to retaining plate 23 through locking holes 244a and retaining holes 234.

Claim 1 recites a method for mounting a grill to one of a first motor assembly and a second larger motor assembly with a mounting system, the first motor including an endshield

including a plurality of openings, wherein the method includes “attaching the grill to one of the first motor assembly and the second motor assembly using the plurality of openings.”

Chiang does not describe nor suggest a method for mounting a grill to one of a first motor assembly and a second larger motor assembly with a mounting system, wherein the first motor including an endshield including a plurality of openings and the method includes attaching the grill to one of the first motor assembly and the second motor assembly using the plurality of openings. Rather, Chiang describes a fan motor that is fastened to a retaining plate using connection means such as bolts and nuts, and a retaining plate that is attached to a smoke exhauster housing through welding manners. Chiang describes the housing includes an exhaust vent and a smoke outlet, but does not describe nor suggest that the exhaust vent or the smoke outlet are a grill. More specifically, Chiang does not describe nor suggest a grill. Furthermore, Chiang does not describe nor suggest a method including attaching a grill to one of a first motor assembly and a second motor assembly using a plurality of openings. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Chiang.

Claim 2 depends from independent Claim 1. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 2 likewise is patentable over Chiang.

Claim 5 recites an endshield for a first motor assembly configured to attach to a grill, wherein the endshield comprises “a plurality of openings for attaching said endshield to the grill.”

Chiang does not describe nor suggest an endshield for a first motor assembly configured to attach to a grill, wherein the endshield includes a plurality of openings for attaching the endshield to the grill. Rather, Chiang describes a fan motor that is fastened to a retaining plate using connection means such as bolts and nuts, and a retaining plate that is attached to a smoke exhauster housing through welding manners. Chiang describes the housing includes an exhaust vent and a smoke outlet, but does not describe nor suggest that the exhaust vent or the smoke

outlet are a grill. More specifically, Chiang does not describe nor suggest a grill. For at least the reasons set forth above, Claim 5 is submitted to be patentable over Chiang.

Claims 6-8 depend, directly or indirectly, from independent Claim 5. When the recitations of Claims 6-8 are considered in combination with the recitations of Claim 5, Applicants submit that dependent Claims 6-8 likewise are patentable over Chiang.

Claim 11 recites a motor assembly comprising "a grill...a first motor assembly comprising an endshield comprising...a plurality of openings...said openings configured to attach said first motor endshield to said grill."

Chiang does not describe nor suggest a motor assembly including a grill and a first motor assembly including an endshield having a plurality of openings, wherein the openings are configured to attach the first motor endshield to the grill. Rather, Chiang describes a fan motor that is fastened to a retaining plate using connection means such as bolts and nuts, and a retaining plate that is attached to a smoke exhauster housing through welding manners. Chiang describes the housing includes an exhaust vent and a smoke outlet, but does not describe nor suggest that the exhaust vent or the smoke outlet are a grill. More specifically, Chiang does not describe nor suggest a grill. For at least the reasons set forth above, Claim 11 is submitted to be patentable over Chiang.

Claims 12-16 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 12-16 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12-16 likewise are patentable over Chiang.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 2, 5-8, and 11-16 be withdrawn.

The rejection of Claims 3, 4, 9, 10, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Chiang is respectfully traversed.

Chiang is described above. Applicants respectfully submit that the Section 103 rejection of Claims 3, 4, 9, 10, 17, and 18 is not a proper rejection. The mere assertion that such a method or endshield would have been obvious to one of ordinary skill in the art does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and Applicants given an opportunity to challenge the correctness of the assertion or the repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. In addition, and contrary to the suggestion in the Office action, Applicants submit that it would not have been an obvious matter of design choice.

Further, and to the extent understood, Chiang does not describe nor suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claims 3 and 4 depend, directly or indirectly, from independent Claim 1 which recites a method for mounting a grill to one of a first motor assembly and a second larger motor assembly with a mounting system, the first motor including an endshield including a plurality of openings, wherein the method includes "attaching the grill to one of the first motor assembly and the second motor assembly using the plurality of openings."

Chiang does not describe nor suggest a method for mounting a grill to one of a first motor assembly and a second larger motor assembly with a mounting system, wherein the first motor including an endshield including a plurality of openings and the method includes attaching the grill to one of the first motor assembly and the second motor assembly using the plurality of openings. Rather, Chiang describes a fan motor that is fastened to a retaining plate using connection means such as bolts and nuts, and a retaining plate that is attached to a smoke exhaust housing through welding manners. Chiang describes the housing includes an exhaust vent and a smoke outlet, but does not describe nor suggest that the exhaust vent or the smoke

outlet are a grill. More specifically, Chiang does not describe nor suggest a grill. Furthermore, Chiang does not describe nor suggest a method including attaching a grill to one of a first motor assembly and a second motor assembly using a plurality of openings. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Chiang.

Claims 3 and 4 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 3 and 4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3 and 4 likewise are patentable over Chiang.

Claims 9 and 10 depend, directly or indirectly, from independent Claim 5 which recites an endshield for a first motor assembly configured to attach to a grill, wherein the endshield comprises "a plurality of openings for attaching said endshield to the grill."

Chiang does not describe nor suggest an endshield for a first motor assembly configured to attach to a grill, wherein the endshield includes a plurality of openings for attaching the endshield to the grill. Rather, Chiang describes a fan motor that is fastened to a retaining plate using connection means such as bolts and nuts, and a retaining plate that is attached to a smoke exhauster housing through welding manners. Chiang describes the housing includes an exhaust vent and a smoke outlet, but does not describe nor suggest that the exhaust vent or the smoke outlet are a grill. More specifically, Chiang does not describe nor suggest a grill. For at least the reasons set forth above, Claim 5 is submitted to be patentable over Chiang.

Claims 9 and 10 depend, directly or indirectly, from independent Claim 5. When the recitations of Claims 9 and 10 are considered in combination with the recitations of Claim 5, Applicants submit that dependent Claims 9 and 10 likewise are patentable over Chiang.

Claims 17 and 18 depend, directly or indirectly from independent Claim 11 which recites a motor assembly comprises "a grill...a first motor assembly comprising an endshield comprising...a plurality of openings...said openings configured to attach said first motor endshield to said grill."

Chiang does not describe nor suggest a motor assembly including a grill and a first motor assembly including an endshield having a plurality of openings, wherein the openings are configured to attach the first motor endshield to the grill. Rather, Chiang describes a fan motor that is fastened to a retaining plate using connection means such as bolts and nuts, and a retaining plate that is attached to a smoke exhauster housing through welding manners. Chiang describes the housing includes an exhaust vent and a smoke outlet, but does not describe nor suggest that the exhaust vent or the smoke outlet are a grill. More specifically, Chiang does not describe nor suggest a grill. For at least the reasons set forth above, Claim 11 is submitted to be patentable over Chiang.

Claims 17 and 18 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 17 and 18 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 17 and 18 likewise are patentable over Chiang.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3, 4, 9, 10, 17, and 18 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Robert B. Reiser III  
Registration No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070



03-DV-7038  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashe, Jr., et al.

Serial No.: 09/617,896

Filed: July 17, 2000

For: METHODS AND APPARATUS  
FOR ATTACHING A GRILL TO  
A MOTOR

Art Unit: 2834

Examiner: Joseph Waks

RECEIVED  
JUN 24 2002  
TECHNOLOGY CENTER 2800

**SUBMISSION OF MARKED UP CLAIMS**

Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

Submitted herewith are marked up paragraphs in accordance with 37 C.F.R.  
1.121(b)(1)(iii) and marked up claims in accordance with 37 C.F.R. 1.121(c)(1)(ii).

IN THE SPECIFICATION

Please amend the paragraph beginning on page 3, at line 29, and ending on page 4, at line 7, as follows:

Endshield 80 also includes a plurality of openings 100 disposed within endshield bottom 84. Openings 100 extend from an exterior surface 102 of endshield 80 to an interior surface 104 of endshield 80. In one embodiment, endshield 80 includes four openings 100. Each opening 100 has a diameter 106 sized to receive a mounting system 107 which includes a plurality of fasteners 108 for attaching a grill 110 to endshield 80. Grill 110 is configured to attach to a second motor[. For] 83, or, and for example, fasteners 108 may also attach grill 110 to endshield 40 (shown in Figure 1). In one embodiment, opening diameter 106 is approximately 0.25 inches.

Openings 100 are circumferentially spaced within endshield bottom 84 and are positioned at a bolt circle diameter 112 with respect to a center axis 114 of motor 82. Bolt circle diameter 112 is smaller than endshield diameter 96. In one embodiment, bolt circle diameter 112 is equal bolt circle diameter 68 (shown in Figure 1) and is approximately 4.33 inches.

IN THE CLAIMS

1. (once amended) A method for mounting a grill to one of a first motor assembly and a second larger motor assembly with a mounting system, the mounting system including a plurality of fasteners, the first motor including an endshield including a plurality of attachment points and a plurality of openings, the attachment points for attaching the endshield to the first motor assembly, the openings for attaching the first motor assembly to the grill, said method comprising the steps of:

attaching the first motor endshield to the first motor assembly using the plurality of attachments points; and

attaching the grill to one of the first motor assembly and the second motor assembly using the plurality of openings.

Respectfully Submitted,



Robert B. Reiser III  
Registration No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070